

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
July 16, 2020

VOTING MEMBERS OR ALTERNATES PRESENT:

(Note: All present attended via-Skype)

David Osikowicz (Original Fuels - Member)
Jack Chamberlin (Chamberlin Surveying and Consulting - Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Cynthia Carrow (CAC - Member)
Rachael Gleason (PA Coal Alliance (PCA) - Alternate)
Timothy Collins (PA Senate - Alternate)
Jacob Gery (PA Senate - Alternate)
Darrel K. Lewis (Allegheny Minerals Corporation – Alternate)
Glendon King (PA House - Alternate)
Duane Feagley (PA Anthracite Council (PAC) - Alternate)

OTHER ATTENDEES

Amy Berrios (DEP – Office of Active and Abandoned Mine Operations (AAMO))
Dan Sammarco (DEP – Bureau of District Mining Operations (BDMO))
Bill Allen (DEP – Mining Programs)
Bruce Carl (DEP – Mining Programs)
Sharon Hill (DEP – Mining Programs)
Gregory Greenfield (DEP – Mining Programs)
Eric Oliver (DEP – Mining Programs)
Paul Pocavich (DEP – Mining Programs)
Geoff Lincoln (DEP – Mining Programs)
Ross McMann (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP Mining Programs/Board Liaison)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation)
Kate Cole (DEP – Policy)

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:00 a.m. Board members and DEP personnel introduced themselves.

APPROVAL OF MINUTES

The minutes from the last meeting were approved without changes. The motion was made by Mr. Lewis and seconded by Mr. Feagley.

CORRESPONDENCE

The Board received no correspondence since the last Quarterly Meeting.

COMMITTEE REPORTS

The Board's Regulation, Legislation and Technical (RLT) Committee met on May 18, 2020, via Skype to discuss the Coal Civil Penalties Technical Guidance Document and the Coal Refuse Disposal proposed regulation. The Committee offered recommendations to proceed with both documents, but the Board decided to delay offering concurrence for the proposed regulation until further discussion on the use of "will" in Section 90.168(b) could be had.

PRESENTATIONS

Coal Mining Program Updates

Mr. Carl provided updates to the Board regarding the coal mining program:

- National Pollutant Discharge Elimination System (NPDES) Permitting: Mr. Carl provided the number of draft permits (as of May 2020), which were sent to the United States Environmental Protection Agency (US EPA), and the number of those permits which had comments. The DEP has resumed its monthly calls with the EPA. The DEP is continuing to work with the US EPA regarding electronic Discharge Monitoring Reports (eDMR) data and hopes to have user registration completed and NPDES permits submitted electronically by the end of 2020.
- E-Initiatives: As of the day of the meeting, there were over 65 Notice of Intent to Explore ePermits submitted. Backend development of the ePermitting system continues, and additional permitting features may be available as soon as December.
- Trust Agreements/Bond Status: The Board was provided details on a variety of items regarding this topic, including:
 - The number and value of total agreements (between December 2015 and February 2020), as well as total bonds, fully-funded trusts and partially-funded trusts (including Alternative Bond System (ABS) sites).
 - The amount of partially and fully funded trusts have both decreased since last presented to the Board.
- Land Reclamation Financial Guarantees (LRFG): Mr. Carl provided details on the increase of LRFG permits and amount underwritten. The total underwritten amount as of May 2020 was 48.6 million.
- Applications: Ms. Sharon Hill provided the Board with a detailed breakdown of application data, including the number of applications by each DMO and revision and application type. All figures are available through the meeting materials on the website.
- Regulatory Agenda: Ms. Hill provided developments on the following items:
 - Water Supply Replacement draft final regulation: Currently being routed through internal review by the DEP.

- Coal Refuse Disposal proposed regulation: See “Committee Reports” section.
- Technical Items: The DEP is working with the EPA on a revision for GP-104. The DEP currently uses a five-year coverage cycle, which the EPA no longer uses. The DEP intends on transitioning all operators to the new system. The GFCC application is in the revision process. All updates are available on the “What’s New” page on the Permits and Technical section of the BMP website.
- Reclamation Fee Operations and Maintenance (O & M) Trust Accounts: The Board was shown the current information for the Reclamation Fee Account, including Coal Civil Penalties and LRFG Premiums, as of the end of the Fiscal year.
- Application Fee Revenues: Mr. Greenfield provided revenue figures for the Surface Mining Conservation and Reclamation Act (SMCRA) and Clean Water Fund (CWF) for the fiscal years between 2012 to 2020 (June 30th).

Bond Rate Guidelines

Mr. Carl discussed the preliminary Coal Bond Rates for 2021, in terms of grading costs. Using the lowest bid data from 2018-2020, the grading on the 5 received projects ranged from \$0.65 to \$1.25/cubic yard. Grading area costs ranged from 33,000 to 241,000 cubic yards. Revegetation costs increased from previous years to \$1,940.

Updates from BAMR

Mr. Bradley updated the Board on the most recent current projects by BAMR, as well as the Abandoned Mine Lands (AML) projects that are currently being constructed/reclaimed and the future projects the Bureau is advancing through the design phase. A complete list of the projects was provided in the Board’s meeting materials. The Barrasso-Enzi bill has been introduced to the U. S. Senate to reauthorize collection of AML Fees.

Updates from the District Mining Offices

Mr. Sammarco updated the Board on the current status of vacancies and workloads in the District Mining Offices. The DMOs continue to telework while also addressing emergencies and complaint investigations. Several vacancies within the DMOs have been filled.

MRAB and Deep Mine Issues

The Board had an internal discussion about a request to review underground mining issues. The conclusion was that the Board’s scope only covers surface mining matters, unless there is a deep mining issue that directly affects surface mining.

Technical Guidance Documents (TGDs)

The Board was informed on the status and progress of several TGDs. The Engineering Manual and Liners and Caps TGDs will be reviewed by the RLT Committee, potentially with the Aggregate

Advisory Board's own Technical Committee. The draft Coal Civil Penalties TGD will be published in the *PA Bulletin* in August but will be available for Committee discussion after the review and comment period. The Alkaline Addition TGD is ready to be published as final.

ABS Program Actuarial Study

The results of the actuarial study of the ABS program should be available to the Board at its next meeting. The second part of the study, focused on the Financial Guarantee Program, is scheduled to begin shortly.

OPEN TIME

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:45 a.m. The Board will meet again at 10 A.M., on October 22, 2020, via Skype.